

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

MARIAN SNOW,

Plaintiff(s),

v.

GLOBAL CREDIT & COLLECTION
CORPORATION,

Defendant(s).

Civil Action No. 5:13-cv-721-FL

MOTION TO COMPEL PLAINTIFF'S DEPOSITION

NOW COMES defendant, Global Credit and Collection Corporation ("GCC"), by and through undersigned counsel, and files this Motion to Compel Plaintiff's Deposition pursuant to Fed. R. Civ. P. 37. Plaintiff failed to attend her deposition noticed for May 20, 2015. Specifically, plaintiff walked into the lobby of the building where the deposition was to occur fifteen minutes prior to the start of her deposition, advised she would not attend, and left. Plaintiff objected to the deposition as untimely pursuant to Section 4(e)(2) of the Rule 26(f) Report and Proposed Discovery Plan. Docket No. 49. Plaintiff is wrong because she previously agreed to her deposition and reneged at the last minute. Further, the provision relied upon by plaintiff in the proposed discovery plan was **not** adopted by the Case Management Order. Docket No. 51.

GCC asks that this Court compel plaintiff's appearance at her deposition and charge plaintiff with travel costs associated with the unattended deposition, as well as

costs and fees associated with the filing of this motion.

Undersigned certifies that he conferred with plaintiff on May 19, 2015, and offered to continue her deposition if she was unable to attend. She confirmed that she would attend the deposition. On May 20, 2015, when plaintiff advised she would not attend 15 minutes prior to the start of the deposition, undersigned suggested a call to Magistrate Judge Gates. She refused and walked out. Undersigned attempted in good faith to resolve this dispute prior to filing this motion.

/s/ Michael D. Alltmont
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*Attorneys for Defendant,
Global Credit and Collection Corporation*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION TO COMPEL** with the Clerk of Court using the CM/ECF system, and I hereby certify that I have placed the document in U.S. Mail, First Class, prepaid, to the following participants:

Marian Snow
907 Timberlake Drive NW
Wilson, NC 27893
Marian Snow <msnow20@gmail.com>
(872) 588-9170
Plaintiff

This the 22nd day of May, 2015.

/s/ Michael D. Alltmont

Michael D. Alltmont

*Attorney for Defendant,
Global Credit and Collection Corporation*